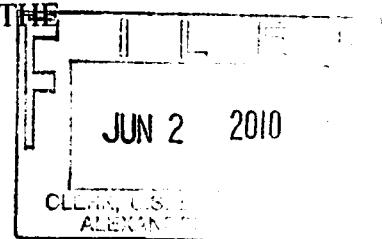


UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA)
)
)
v.)
)
) CASE NO. 1:10-MJ-321
JOSHUA BEHROUZ NABATKHORIAN)
)
)
Defendant.)

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Brenda Born, a Special Agent with the Federal Bureau of Investigation (FBI), Washington Field Division, Washington, D.C., being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with the FBI since October of 2005 and am currently assigned to the Washington Field Office, Northern Virginia Resident Agency. Since joining the FBI, I have investigated violations of federal law involving criminal computer intrusions, spamming, Internet fraud, and Internet threats. I currently investigate federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training and work related to these types of investigations.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States and am authorized to execute warrants issued under the authority of the United States.

3. This Affidavit is based on my training and experience, my observations and review of records, physical evidence, and information provided to me by others. I have not set forth every fact known to the government. Rather, I have set forth information to establish probable cause in support

of a criminal complaint and arrest warrant, charging JOSHUA BEHROUZ NABATKHORIAN (“NABATKHORIAN”) with violating Title 18, United States Code, Section 2422(b), attempted online enticement of a minor.

4. Title 18, United States Code, Section 2422(b) makes it a federal crime to use a facility or means of interstate commerce to knowingly attempt to persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which one can be charged with a criminal offense, including, but not limited to:

- a. Section 18.2-63 of the Code of Virginia, which prohibits a person from carnally knowing, by sexual intercourse, cunnilingus, fellatio, anal intercourse, and inanimate object sexual penetration, without the use of force, a child 13 years of age or older but under 15 years of age;
- b. Section 18.2-67.4:2 of the Code of Virginia, which prohibits an adult who, with lascivious intent, commits an act of sexual abuse,¹ with any child 13 years of age or older but under 15 years of age;
- c. Section 18.2-370 of the Code of Virginia, which prohibits a person from taking indecent liberties with a child under the age of 15, including with lascivious intent, knowingly and intentionally:
 - i. exposing his sexual and genital parts to such a child;

1. Section 18.2-67.10 of the Code of Virginia defines “Sexual abuse” in relevant part to mean, an act committed with the intent to sexually molest, arouse, or gratify any person, where the accused (a) intentionally touches the complaining witness’s intimate parts or material directly covering such intimate parts; and (b) forces the complaining witness to touch the accused’s, the witness’s own, or another person’s intimate parts or material directly covering such intimate parts.

- ii. proposing that such a child expose her sexual and genital parts to him;
- iii. proposing that such a child feel and fondle his sexual and genital parts;
- iv. proposing that he feel and fondle the sexual and genital parts of such a child;
- v. proposing to such a child the performance of an act of sexual intercourse and carnal knowledge by the anus and mouth; and
- vi. enticing, alluring, persuading, and inviting such a child to enter any vehicle, room, house, and other place, for any of the purposes set forth in this subsection (b); and

d. Sections 18.2-26 and 27 of the Code of Virginia, which punishes attempts to commit felony and misdemeanor offenses.

DETAILS OF THE INVESTIGATION

5. On November 7, 2009, the Fairfax County Police Department was contacted by a person, who advised that her thirteen year old daughter (“Victim”) had received text messages from a family friend on Victim’s cellular telephone (“Victim’s Phone”). The person identified the family friend as JOSHUA NABATKHORIAN.

6. A Fairfax County detective and then-task force officer (“Task Force Officer”) obtained consent to view the text messages on Victim’s phone and reviewed the text messages exchanged between Victim and the person using telephone number (703) 862-4115, which Victim’s Phone contact list identified as “Mr. Joshua.”

7. Beginning on or about November 4, 2009, text messages exchanged between Mr. Joshua and Victim portrayed Mr. Joshua as a “master,” who would provide lessons to Victim, his

"beautiful slave." When Victim said she was not a slave and preferred "disciple," Mr. Joshua said "Oh la la a wild girl? I like that very much.u.know what diciple mean.u must obey all my command. Deal?!"² Victim replied "No deal. And not wild.Just brilliant." During the course of their text message exchange, when Victim asked if Mr. Joshua's point was to "murder" her, Mr. Joshua said, "No murder.u r too beautiful and may be useful!?" When Victim sought further information, Mr. Joshua said, "I need to tel u in person!" and "Surprise.u and me alone.,."

8. The Task Force Officer received consent to use Victim's Phone and assume Victim's online identity. On November 12, 2009, the Task Force Officer used Victim's Phone to re-establish contact with Mr. Joshua by replying to a cellular telephone text message. After exchanging a few text messages, the Task Force officer suggested using electronic mail to communicate. Mr. Joshua provided his electronic mail address of behrouz555@hotmail.com, and the Task Force Officer provided an electronic mail address previously used by Victim.

9. According to business records obtained from Microsoft, the hotmail account address, behrouz555@hotmail.com, was registered in October 2003, with a user name of Joshua Nabatkhorian.

10. During an electronic mail exchange on November 13, 2009, the Task Force Officer asked "What do you want to teach me first Master Joshua?" NABATKHORIAN replied, "TO LOVE AND LET BE LOVED NOT TO BE SCARED NEW THINGS AND DO NOT OUR AGE DIFFERENCE MEAN ANYTHING TO COME BEETWEEN US. we need to spend some time alone together or go ona short trip that is the best way to teach one to one..." The Task Force Officer reminded NABATKHORIAN that she was "only 13 so I dont think a long weekend is something we

2. Quoted material from text and electronic messages may contain grammatical and spelling

can do but we can find some time alone for one on one."

11. During the course of the electronic mail exchange on November 13, 2009, NABATKHORIAN suggested to the Task Force Officer that the two create an electronic mail account "just for us." NABATKHORIAN further suggested that the Task Force Officer use the electronic mail address of rachel2600@gmail.com (sic) NABATKHORIAN provided a new electronic mail address that he had created for himself, jnjoshua25@gmail.com. At the end of the exchange, NABATKHORIAN said he "fe[lt] like kissing you all over on your beautiful superb gorges body your are my goddess I worship you!" According to subscriber information obtained from Google, Joshua Nabatkhorian is the name associated with the email account jnjoshua25@gmail.com, which was created on November 13, 2009.

12. On November 15, 2009, the Task Force Officer, using the electronic mail address of rachal2600@gmail.com, and NABATKHORIAN, using the electronic mail address, jnjoshua25@gmail.com, discussed what they would do when they were alone. NABATKHORIAN said he'd "love to make love to you that is my highest desire."

13. During Internet chat conversations on November 15, 2009, the Task Force Officer asked NABATKHORIAN about their first date and what NABATKHORIAN was going to teach first. NABATKHORIAN said, "how to gently touch and where to touch, how gently kiss and where to kiss . . . do you think you like blow job? kissing starts with ears boobs mouth and between legs touching reverse order." The two agreed to meet at one o'clock on the afternoon of November 17, 2009 beside a Safeway grocery store at a shopping center in Fairfax, Virginia near Victim's home.

14. On November 16, 2009, during electronic mail and Internet chat conversations,

errors.

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NABATKHORIAN said he was going to buy something from Victoria Secret, saying “as you see your sweet dreams woke me up.i can not wait till our first lesson. my little spy birdy tells me you wear tongs!?o boy i love it very very sexy woo la la. what is your size please? also bra size. i am going to victoria secret to buy you a present tomorrow. What is your favorite color?” NABATKHORIAN also suggested that he would get a hotel room for their time together, saying, “how about i arrange a very nice room in a hotel and we can go in and no body will notice. for example i can go first while u wait in lobby then u can follow me i really think this is the best way.sorry about it but for next time we will be all set. i love when you talk dirty.”

15. During an Internet chat conversation on November 17, 2009, NABATKHORIAN told the Task Force Officer that he had purchased condoms, saying “i got super nice condoms very expensive supposed to feel like body skin MY FIRST TIME IN LIFE.”

16. On or about the agreed upon time on November 17, 2009, the Task Force Officer observed a person arrive to the agreed upon meeting location behind the Safeway grocery store at the shopping center in Fairfax, Virginia in a Toyota FJ Cruiser, bearing Virginia license tag “YNF-4922.” The physical description of the person matched a photograph of NABATKHORIAN supplied by the Virginia Department of Motor Vehicles. The person was approached by detectives assigned to the Fairfax County Police Department Child Exploitation Unit, was taken into custody, and identified as JOSHUA BEHROUZ NABATKHORIAN.

17. During a search of the Toyota FJ Cruiser, law enforcement officers seized perfume, bras, panties, and a Victoria Secret receipt dated November 17, 2009 for the purchase of such items. Law enforcement officers also seized a cellular telephone, which they subsequently determined had a telephone number that matched the telephone number used to send and receive text messages to and

from Victim's Phone.

18. Law enforcement officers later executed a federal search warrant to search the Toyota FJ Cruiser and seized condoms, which were described on the box as "Natural Skin Condoms," and a receipt dated November 17, 2009 for the purchase of the condoms.

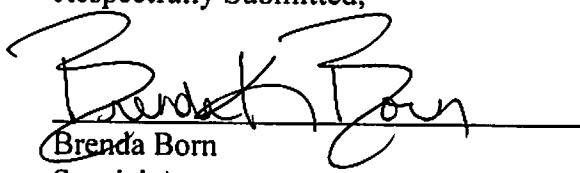
19. According to an email message in the electronic mail account jnjoshua25@gmail.com, NABATKHORIAN reserved a room from November 17, 2009 to November 18, 2009 at a Ritz Carlton hotel in Arlington, Virginia.

CONCLUSION

20. Based on the foregoing, probable cause exists to believe that between on or about November 4, 2009 through on or about November 17, 2009 in Fairfax, Virginia, and elsewhere, within the Eastern District of Virginia, JOSHUA BEHROUZ NABATKHORIAN used a facility or means of interstate commerce or foreign commerce, namely, the Internet and cellular telephone, to knowingly attempt to persuade, induce, entice, or coerce an individual, who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense (including Section 18.2-63 of the Code of Virginia, carnally knowing a child 13 years of age or older but under 15 years of age; Section 18.2-67.4:2 of the Code of Virginia, with lascivious intent, committing an act of sexual abuse, with any child 13 years of age or older but under 15 years of age; Section 18.2-370 of the Code of Virginia, taking indecent liberties with a child under the age of 15, and Sections 18.2-26 and 27 of the Code of Virginia), all in violation of Title 18, United States Code, Section 2422(b).

21. Therefore, I respectfully request that this Court issue a warrant for the arrest of JOSHUA BEHROUZ NABATKHORIAN.

Respectfully Submitted,



Brenda Born
Special Agent
Federal Bureau of Investigation

Subscribed and sworn
before me this 2nd day of June 2010

 /s/

Theresa Carroll Buchanan
United States Magistrate Judge

The Honorable Theresa C. Buchanan
United States Magistrate Judge

Submitted by AUSA John Eisinger